

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

2013 DEC 13 PM 2:24

CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

-vs-

CAUSE NO. A-12-CR-210-SS

CARLOS MIGUEL NAYEN BORBOLLA (5)

---

**ORDER**

BE IT REMEMBERED on the 11th day of December, 2013, the Court called a hearing in the above-styled cause, and the Government, the Defendant, and the Intervenor San Antonio *Express-News* appeared by and through counsel. Defendant Carlos Miguel Nayen Borbolla was present. Before the Court is the *Express-News*'s Motion to Intervene for Access and to Oppose Sealed Motion to Seal [#714], and the Government's Response [#731]. Having reviewed the documents, the governing law, and the file as a whole, the Court now enters the following orders:

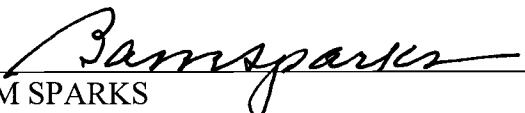
IT IS ORDERED that the *Express-News*'s Motion to Intervene is GRANTED, and the *Express-News* shall be added to this case as an intervenor;

IT IS FURTHER ORDERED that the *Express-News*'s motion for access to unsealed trial exhibits, specifically the exhibits identified in footnote one of the motion [#714], is GRANTED, and the requested exhibits shall be made available to the public for in-person inspect and copying at the Clerk's Office;

IT IS FURTHER ORDERED that the *Express-News*'s motion to unseal the sealed motions of the Government and the Defendant is DENIED for the reasons set forth in the accompanying sealed statement of reasons;

IT IS FINALLY ORDERED that the sealed motions to close the sentencing proceeding are GRANTED IN PART and DENIED IN PART. Specifically, the sentencing proceeding will be generally open, including Defendant's allocution and the Court's issuance of Defendant's sentence and reasons for the sentence. The sentencing proceeding shall be CLOSED and SEALED as necessary for discussion of the Defendant's and the Government's sealed motions, and the Defendant's and the Government's objections to the presentence investigation report. This limited closure is justified by the reasons set forth in the accompanying sealed statement of reasons. Portions of the hearing which are closed and sealed shall still be transcribed, with the transcript of those portions being SEALED for a period of one year from the date of the sentencing hearing (absent an order vacating such sealing).<sup>1</sup> Any party may request continued sealing prior to the expiration of the one-year period.

SIGNED this the 13<sup>th</sup> day of December 2013.

  
SAM SPARKS  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup> This order shall in no way interfere with any appeal in this case, whereby any sealed motions, orders, or portions of transcripts may need to be provided to the appellate courts.